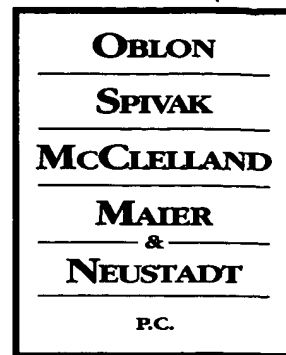


IFW



Docket No.: 255494US2PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

ATTORNEYS AT LAW

RE: Application Serial No.: 10/501,341
Applicants: Christian BATAILLE
Filing Date: July 26, 2004
For: ELECTRIC DEVICE WITH PIEZOELECTRIC-
DRIVEN ACTUATOR
Group Art Unit: 2832
Examiner: Donovan, Lincoln D.

SIR:

Attached hereto for filing are the following papers:

Response to Restriction Requirement

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
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DOCKET NO: 255494US2PCT



IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :
CHRISTIAN BATAILLE : EXAMINER: DONOVAN, LINCOLN D.
SERIAL NO: 10/501,341 :
FILED: JULY 26, 2004 : GROUP ART UNIT: 2832
FOR: ELECTRIC DEVICE WITH :
PIEZOELECTRIC-DRIVEN ACTUATOR :

RESPONSE TO RESTRICTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction Requirement dated May 2, 2005, Applicants provisionally elect with traverse Embodiment 1 (Figures 1-3), with Claims 1-5 and 7-11 (now Claims 12-16 and 18-22) readable thereon. Applicants make this election based on the understanding that Applicants are not prejudiced against filing one or more divisional applications that cover the non-elected claims.

Applicants further respectfully traverse the statement of the Examiner that none of the claims are generic.¹ Claims 1-4 and 7-11 (now Claims 12-15 and 18-22) are generic and read upon all Embodiments 1 (Figures 1-3), 2 (Figure 4) and 3 (Figure 5) specified by the Examiner. Furthermore, Claim 5 (now Claim 16) is specific to Embodiment 1 and Claim 6 (now Claim 17) is specific to Embodiment 2. There are no claims that are specific to Embodiment 3.

¹ See outstanding Office Action, on page 2, line 10.


Furthermore, a Preliminary Amendment was filed together with the Application on July 26, 2004 replacing the Abstract of the Disclosure and replacing Claims 1-11 with new Claims 12-22 to better comply with U.S. claim drafting practice and to correct minor formalities. Accordingly, Applicants respectfully request that new Claims 12-22 of the Preliminary Amendment are considered for examination and not the original Claims 1-11.

Further, Applicants also traverse the Restriction Requirement on the grounds that the wrong standard was applied. The present application is a national stage application filed under 35 U.S.C. §371 so that the "Unity of Invention" standard should have been applied as opposed to the Restriction standard. In particular, the Restriction Requirement fails to provide evidence that there is no technical relationship among Embodiments 1, 2 and 3 that involves at least one common or corresponding special technical feature. As stated in MPEP §1893.03(d), "Examiners are reminded that unity of invention (not restriction) practice is applicable in international applications (both Chapter I and II) and in national stage (filed under 35 U.S.C. §371) applications."

Accordingly, it is respectfully requested that the requirement to elect a single species be withdrawn, and that a full examination on the merits of Claims 12-22 be conducted.

Respectfully submitted,

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